

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

MARK CUBAN,

Defendant.


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: Civil Action No.: 3-08-CV-2050-
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AGREED ORDER

On April 1, 2009, Plaintiff Securities and Exchange Commission mistakenly filed with the Clerk of the Court a Notice of Subpoena on Non-Party for the Production of Documents (Doc. No. 28). Local Rule 5.2, however, provides that discovery material is not to be filed. For this reason, the parties have agreed that the notice should be removed from the Court's file and stricken from the Court's electronic case filing system. The Court is of the opinion that this Agreed Motion should be GRANTED.

IT IS THEREFORE ORDERED that Plaintiff's April 1, 2009 Notice of Subpoena on Non-Party for the Production of Documents shall be removed from the Court's file and stricken from the Court's electronic case filing system. The Clerk is therefore directed to strike from the electronic case filing system the filing previously designated as document number 28.

SIGNED April 3, 2009.


SIDNEY A. FITZWATER
CHIEF JUDGE

AGREED:

/s/ **Kevin P. O'Rourke**

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